

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JASON LEE VAN DYKE,
Plaintiff,

v.

CASE NO. 4:18-CV-00247-ALM-
CAN

THOMAS RETZLAFF,
Defendant.

**DECLARATION OF THOMAS RETZLAFF IN SUPPORT OF HIS
MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

I, Thomas Retzlaff, declare as follows:

1. I am the defendant in this case. I have personal knowledge of the matters stated herein and, if called as a witness, I could and would testify competently thereto.
2. This Declaration is submitted in support of my motion to dismiss for lack subject matter jurisdiction.
3. During all times relevant to this lawsuit, as outlined in plaintiff's second amended complaint, I was never physically present within the state of Texas and am a resident of Arizona. I deny having any contacts with plaintiff's alleged employer Karlseng, LeBlanc & Rich L.L.C. ("KLR") prior to the filing of this lawsuit. I have no personal knowledge as to who employs Van Dyke anyways. While I have defended myself in legal actions involuntarily filed against me in Texas, I have not acted as a plaintiff in a Texas lawsuit in over 7 or 8 years.

4. The only times I have been in Texas in the past two years have been for brief personal visits that had nothing at all to do with Van Dyke or any of the allegations raised in his complaint.
5. With regards to the www.ViaViewFiles.net website, according to a check of the *WhoIs* domain registry, this website is hosted by OnlineNIC, Inc., which is located at 35.COM BLDG, 8th Guanri Rd, Software Park, Xiamen Fujian 361008, in China. Thus, this website is clearly not located within the state of Texas. It is not an interactive website, nor does it sell any commercial products or have any advertisements. The website is just a general informational website that anyone can access from anywhere on the planet and is not directed towards the state of Texas.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 11th day of April, 2018.



Thomas Retzlaff